

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

RANDALL WADE COOPER, )  
 )  
 Plaintiff, )  
 )  
 v. ) No.: 2:19-CV-208-TAV-CRW  
 )  
 STEVE LAWSON, *et al.*, )  
 )  
 Defendants. )

## ORDER

This civil matter is before the Court on two Reports and Recommendations (R&Rs) entered by United States Magistrate Judge Cynthia R. Wyrick on December 20, 2019, and April 6, 2020, respectively [Docs. 8 & 19], as well as plaintiff's motion for extension of time to comply with the R&Rs [Doc. 22]. The December R&R regards plaintiff's motion to appoint counsel [Doc. 7], while the April R&R discusses the viability of plaintiff's amended complaint [Doc. 17].

The magistrate judge’s December 20, 2019 R&R recommended that plaintiff’s complaint be dismissed for failure to state a claim and his motion to appoint counsel be denied [Doc. 8]. Plaintiff subsequently filed a motion he titled a “motion to extend time for filing objections” [Doc. 11] but which the magistrate judge properly construed as a motion for additional time to file an amended complaint. The magistrate granted plaintiff an opportunity to file an amended complaint and vacated that portion of her previously entered R&R recommending dismissal; she did not vacate her recommendation that plaintiff’s motion to appoint counsel be denied [Doc. 18].

In her more recent R&R examining the sufficiency of plaintiff's amended complaint, the magistrate judge recommends that:

1. The actions brought against defendants Bradley County, Tennessee, Bradley County Sheriff's Department, and Sheriff Steve Lawson be dismissed;
2. The actions brought against the remaining defendants, Chad Nave, Corey Loftis, Emery Bryant, Mario Santos, and Eric Geren, be allowed to proceed;
3. The Clerk of Court be directed to send plaintiff service packets (a blank summons and USM-285 form) for the remaining defendants; and
4. Plaintiff be ordered to complete the service packets and return them to the Clerk's Office within twenty (20) days of receipt of the district court's order, to be signed and sealed by the Clerk and forwarded to the U.S. Marshal for service.

There have been no timely objections to either R&R filed, and enough time has passed since the filing of the R&Rs to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(d), 72(b).

After careful review of the matter, the Court agrees with the magistrate judge's recommendations. Accordingly, the Court **ACCEPTS** the non-vacated portion of the December 20, 2019 R&R [Doc. 8] pursuant to 28 U.S.C. § 636(b)(1) in that it will **DENY** plaintiff's motion to appoint counsel [Doc. 7]. The Court also **ACCEPTS** in full the Apr. 6, 2020 R&R [Doc. 19] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. The actions brought against defendants Bradley County, Bradley County Sheriff's Department, and Sheriff Lawson are **DISMISSED**;
2. The actions brought against the remaining defendants, defendants Nave, Loftis, Bryant, Santos, and Geren, shall proceed;

3. The Clerk of Court is **DIRECTED** to send plaintiff service packets (a blank summons and Form USM-285) for the remaining defendants; and
4. Plaintiff is **ORDERED** to complete the service packets and return them to the Clerk's Office within twenty (20) days of receipt of this order, to be signed and sealed by the Clerk and forwarded to the U.S. Marshal for service.

Plaintiff's motion for extension of time to comply with the R&R [Doc. 22] is **DENIED as moot**. The Court echoes the magistrate's admonition to plaintiff that failure to timely return the complete service packets will result in dismissal of his entire suit.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE